
**Juvenile Justice & Family Law
Committee**

HB 2788

Brief Description: Creating a putative father registry.

Sponsors: Representatives McDonald, Hinkle, Schindler and Shabro.

Brief Summary of Bill

- Establishes a paternity registry within the State Registrar of Vital Statistics.
- Allows the parental rights of an alleged father to be terminated without notice if (a) the child is less than one year of age; (b) the alleged father did not register timely with the State Registrar of Vital Statistics; and (c) the alleged father is not otherwise exempt from registering.

Hearing Date: 1/25/06

Staff: Kara Durbin (786-7133).

Background:

Putative Fathers:

A putative father is a man who is or may be a child's father (also known as an "alleged father"), but who was not married to the child's mother before the child was born and has not established that he is the father in a court proceeding.

A putative father is to be distinguished from an "acknowledged" father, a "presumed" father, or an "adjudicated" father. An acknowledged father is a man who has established a father-child relationship by signing an acknowledgment of paternity. A presumed father is a man who was married to the mother at the time of the birth of the child, or the child was born within 300 days of termination of the marriage. An adjudicated father is a man who has been adjudicated by a court to be the father of a child.

Uniform Parentage Act:

The Uniform Parentage Act of 2002 (UPA) provides procedures to identify parentage. In 2002, the Legislature considered and enacted most of the provisions of the Uniform Parentage Act. The original bill contained a registry of paternity, but the registry was later removed from the bill before it passed the Legislature and became law.

Putative Father Registry:

A putative father registry is a registry for men who wish to be notified of proceedings involving a young child they may have fathered. Approximately twenty-three states have statutes authorizing the establishment of putative father registries. In many of those states, failure to register generally precludes a putative father from the right to notice of a termination or adoption proceeding.

Washington does not have a putative father registry. An alleged father has a right to receive notice of an adoption proceeding prior to termination of his parental rights. Such notice must inform the putative father of the right to be represented by counsel at the termination hearing and that failure to file a paternity claim within 20 days of service, or otherwise respond to the notice within 20 days, is grounds for termination of parental rights. If the putative father fails to respond or appear after being notified, then the father's paternal rights may be terminated.

Summary of Bill:

A registry of paternity is established in the State Registrar of Vital Statistics within the Department of Health. A man who wishes to be notified of a proceeding for adoption or termination of parental rights regarding a child he may have fathered may register in the registry of paternity, either before the child is born or no later than 120 days after the child is born. If a man registers more than 30 days after the birth of the child, registration is considered to be untimely. A person may rescind their registration at any time.

A man is not required to register in the registry if: (a) a father-child relationship has already been established under law; or (b) the man commences a court proceeding to establish paternity before the court has terminated his parental rights.

Notice of an adoption or termination proceeding for a child must be given to a registrant who registered in a timely manner.

Child Less than One Year of Age:

If the child is less than one year of age, the parental rights of a man who may be the father of a child may be terminated without providing notice if (1) the man did not register timely with the State Registrar of Vital Statistics; and (2) the man is not exempt from registering.

Prior to termination of parental rights, a petitioner for adoption or termination of parental rights must search the registry and obtain a certificate of search of the registry of paternity. If the petitioner has reason to believe that the conception or birth of the child may have occurred in another state, the petitioner must also obtain a certificate of search of the registry of paternity from that state.

Child One Year of Age or Older:

If the child is one year of age, or older, notice must be given to a man who may be the child's father, regardless of whether or not he has registered with the State Registrar of Vital Statistics.

Registration Process:

The State Registrar of Vital Statistics must prepare a form for applicants to fill out when they register in the paternity registry. The form must be signed by the registrant. The form must provide notice to the registrant that:

- (1) The registrant signs the form under penalty of perjury;

- (2) A timely registration entitles the registrant to notice of a proceeding for adoption of a child or termination of the registrant's parental rights;
- (3) The information disclosed on the form may be used against the registrant to establish paternity;
- (4) A timely registration does not commence a proceeding to establish paternity;
- (5) Services to assist in establishing paternity are available to him through the support enforcement agency;
- (6) Information on registries of other states is available from the State Registrar of Vital Statistics;
- (7) Registering in another state is advisable if conception or birth of the child occurred in the other state; and
- (8) Procedures exist to rescind the registration of a claim of paternity.

If the mother's address is provided when the alleged father fills out the registration form, the State Registrar must send a copy of the notice of the registration to her at that address.

Confidentiality:

Information in the registry is confidential and may only be released to the following persons or entities: (a) a court or other person designated by the court; (b) the mother of the child who is the subject of the registration; (c) an agency authorized by other law to receive the information; (d) a licensed child-placing agency; (e) a support enforcement agency; (f) a party or the party's attorney of record in a proceeding for adoption or termination of parental rights regarding a child who is the subject of the registration; and (g) the registry of paternity in another state.

Fees:

The State Registrar of Vital Statistics may charge a reasonable fee for filing a registration of paternity, or for conducting a search of the registry and furnishing a certificate of search of the registry of paternity.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.